

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ANTHONY N. MINCHELLA,</b> <div style="text-align: right;"><b>Plaintiff,</b></div> <div style="text-align: center;"><b>v.</b></div> <b>SUN LIFE ASSURANCE COMPANY OF CANADA,</b> <div style="text-align: right;"><b>Defendant.</b></div>	: : : : : : : : : : :	<b>CIVIL ACTION</b>  <b>NO. 13-3823</b>
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**ORDER**

**AND NOW**, this 23rd day of September 2013, upon consideration of Defendants' Motion to Dismiss (Doc. No. 3) and Plaintiff's response thereto (Doc. No. 5) it is hereby **ORDERED** that Defendant's Motion to Dismiss is **GRANTED without prejudice**. Plaintiff may amend his complaint without leave of this Court within **30 days** of the entry of this Order. It is so **ORDERED**.

**BY THE COURT:**

  
CYNTHIA M. RUFÉ, J.